IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10804 of 2004

Between:

Sri Sairam Trading and Transports rep. by its Managing Partner, B. Sivaramaiah,S/o. B. Ramachandrudu, R/o. 4-595-12B3A, Asain Complex, By-Pass Road, Anantapur.

..... PETITIONER

AND

1 The Circle Inspector of Police, Pattikonda, Pattikonda Mandal, Anantapur Dist.
2 The Sub-Inspector of Police, Tuggali, Tuggali P.S., Tuggali Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, holding the inaction of the respondents, in not taking any action pursuant to the complaint given by the petitioners firm as illegal, arbitrary and offends Art. 19 and 21 of the Constitution of India and consequently direct the respondents to provide police protection and take action against the culprits in Transporting Unloading, Stocking and inter-carting and loading into the wagons of Iron-ore by the petitioner's firm.

Counsel for the Petitioner : MR.M.SREERAMULU REDDY

Counsel for the Respondents : GP FOR HOME

The Court made the following Order:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in taking action on the complaint of the petitioner with reference to the interference and inconvenience caused by the villagers of Tuggali, where the petitioner is carrying on its business as transporter, loader, unloader etc., in respect of iron ore.

2. According to the petitioner, it has entered into a sub-contract with Sri Jnanakshi Constructions on 18.3.2004 for transportation, unloading, stocking, inter-carting and loading into the wagons by excavator/loaders and rake loading of iron ore or fines from MSPL (VIOM) RMM TL, Hospet to Tuggali Railway station. In the process, it is stated that the vehicles of the petitioner firm are being moved. According to the petitioner, the persons working with the petitioner firm belongs to a different district than the district to which the village falls. The villagers are therefore deflating the tyres, obstructing the movement of the vehicles and also assaulting the workers. Therefore, the petitioner submitted a complaint dated 26.6.204, which was preceded by another complaint dated 24.6.2004, bringing to the notice of the respondents about the illegalities and unlawful activities that are being carried on by the villagers of Tuggali. But, however, the respondents did not take any action and therefore, the petitioner has come up with the present writ petition.

3. A counter has been filed on behalf of the respondents stating that they did not receive any complaint. Apart from the fact that the activity of loading, unloading etc., is being carried on within the area of the railway authorities and as the said area falls within the exclusive jurisdiction of the railway police, the respondents have no jurisdiction to take up any complaint or to act upon any complaint. Therefore, it is stated that there

is no cause of action for filing the writ petition.

4. Heard both sides and considered the material on record.

5. In view of the complaint and the specific averments made by the petitioner against the villagers of Tuggali village, though it is stated on behalf of the respondents that in respect of the property of the railways, the railway police have got exclusive jurisdiction and with reference to the area outside the railway property, the respondents have got the jurisdiction, the nature of the complaint clearly shows that the interference of the villagers of Tuggali is not only within the railway area, but also outside the railway property. Therefore, the respondents are directed to take up the complaint of the petitioner and take appropriate action to provide protection to the petitioner firm, its workers and property, which is carrying on the business in transporting, loading and unloading etc., of the iron ore. The petitioner is also directed to submit another copy of the

complaint within a week from the date of receipt of the order.

6. The petition is accordingly disposed of.

gs/kvh

Note:
Copy by tomorrow.
B/o
Gs/kvh

Sd/- A.Suvarna.
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Circle Inspector of Police, Pattikonda, Pattikonda Mandal, Anantapur Dist.
2. The Sub-Inspector of Police, Tuggali, Tuggali P.S., Tuggali Mandal, Kurnool Dist.
3. 2 CCs to GP for Home, High Court premises, (OUT)
4. 2 CCs.